

**Notice of Allowability**

Application No.

10/697,216

Examiner

Stephen M. D'Agosta

Applicant(s)

BEAUFORD, KEVIN D.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 6-13-2006.
2. ☒ The allowed claim(s) is/are 3,4,7,9-12,14 and 16-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Milton on June 19<sup>th</sup> 2006.

### CLAIM AMENDMENTS

1. - 2. (Canceled)

3. (Currently amended) An apparatus, comprising:  
a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;

wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and

wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and

wherein the call terminates at the announcement server component and the called communication device, wherein the call control component accepts an answer message from the called communication device; and

~~The apparatus of claim 2,~~ wherein the call control component drops the answer message from the announcement server component to prevent an initiation of billing for the call based on the answer message from the announcement server component; and

wherein the call control component initiates the billing for the call upon receipt of the answer message from the called communication device.

4. (Currently amended) An apparatus, comprising:  
a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;

wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and

wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and

~~The apparatus of claim 1,~~ wherein the call control component receives the call and sends a signaling message associated with the call to the announcement server component to involve the announcement server component on the call; and

wherein the announcement server component plays an announcement for a calling communication device of the call and sends the answer message to the call control component, and wherein the call control component determines to not process the answer message from the announcement server component based on the call category.

5. – 6. (Canceled)

7. (Currently amended) An apparatus, comprising:  
a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;  
wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and  
wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and  
wherein a calling communication device initiates the call to the called communication device, and wherein the announcement server component comprises a customized ringback tone component; and  
wherein the call control component determines that the call meets one or more customized ringback tone criteria set by a user of the called communication device and sets the call category to indicate that the call terminates at the customized ringback tone component; and  
~~The apparatus of claim 6,~~ wherein the customized ringback tone component sends the answer message to the call control component and plays a preselected ringback tone to the calling communication device prior to answer by the called communication device; and  
wherein the call control component determines to not process the answer message to prevent billing for the call while the customized ringback tone component plays the preselected ringback tone to the calling communication device.

8. (Canceled)

9. (Currently amended) An apparatus, comprising:  
a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;  
wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and  
wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and  
~~The apparatus of claim 1,~~ wherein the billing record comprises an automatic messaging account billing record associated with one or more of the calling communication device and the called communication device.

10. (Currently amended) The apparatus of claim 9 [[1]], wherein the call control component comprises a control subcomponent and a switching subcomponent, and wherein the call category comprises a calling party category; and  
wherein the control subcomponent determines that the call terminates at the announcement server component prior to connection with the called communication device; and  
wherein the control subcomponent sends a call setup message to the switching subcomponent, and wherein the control subcomponent sets the calling party category in the call setup message to a value that indicates that the call terminates at the announcement server component prior to connection with the called communication device.

11. (Currently amended) The apparatus of claim 10, wherein the switching subcomponent employs the calling party category to determine whether to process incoming answer messages from the announcement server component; and

wherein the switching subcomponent checks the calling party category and if the calling party category is set to the value that indicates that the call terminates at the announcement server component, then the switching subcomponent determines to not alert the control subcomponent of the answer message to prevent the control subcomponent from updating a billing record associated with the call based on the answer message from the announcement server component.

12. (Currently amended) An apparatus, comprising:  
a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;

wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and

wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and

~~The apparatus of claim 1,~~ wherein a carrier trunk supports the answer message between the announcement server component and the call control component, and wherein upon receipt of the answer message from the announcement server component, the call control component employs the call category to determine to not initiate billing for the call based on the answer message.

13. (Canceled)

Art Unit: 2617

14. (Currently amended) A method, comprising the steps of:

setting a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device; and

preventing an initiation of billing for the call upon receipt of an answer message from the announcement server component based on the call category, wherein a call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and

~~The method of claim 13, wherein the step of setting the call category for the call to indicate that the call terminates at the announcement server component prior to connection with the called communication device comprises the steps of:~~

~~querying a home location register for an indication of whether the call will employ the announcement server component;~~

~~determining from the indication that the call terminates at an announcement server component prior to connection with a called communication device; and~~

~~setting the call category to a value that indicates the call terminates at the announcement server component.~~

15. (Canceled)

16. (Currently amended) A method, comprising the steps of:

setting a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device; and

preventing an initiation of billing for the call upon receipt of an answer message from the announcement server component based on the call category;

wherein the call category comprises a calling party category, and wherein the step of setting the call category for the call to indicate that the call terminates at the announcement server component prior to connection with the called communication device comprises the steps of:

determining that the call terminates at the announcement server component prior to connection with the called communication device; and

sending a call setup message with the calling party category in the call setup message set to a value that alerts a switch component for the call to drop the answer message from the announcement server component; and

~~The method of claim 15~~, wherein the step of preventing the initiation of billing for the call upon receipt of the answer message from the announcement server component based on the call category comprises the step of:

determining to not update a billing record associated with the call for the answer message from the announcement server component based on the calling party category being set to the value.

17. (Currently amended) ~~A method, comprising the steps of:~~

~~setting a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device; and~~

~~preventing an initiation of billing for the call upon receipt of an answer message from the announcement server component based on the call category;~~

The method of claim 14, wherein the step of preventing the initiation of billing for the call upon receipt of the answer message from the announcement server component based on the call category comprises the steps of:

checking the call category upon receipt of the answer message from the announcement server component; and

dropping the answer message if the call category is set to a value that indicates the call terminates at the announcement server component.



18. (Currently amended) ~~A method, comprising the steps of:~~  
~~setting a call category for a call to indicate that the call terminates at an~~  
~~announcement server component prior to connection with a called communication~~  
~~device; and~~

~~preventing an initiation of billing for the call upon receipt of an answer message~~  
~~from the announcement server component based on the call category;~~

The method of claim 14, wherein the step of preventing the initiation of billing for  
the call upon receipt of the answer message from the announcement server component  
based on the call category comprises the steps of:

dropping the answer message from the announcement server component to  
prevent an initiation of billing for the call based on the answer message from the  
announcement server component; and

accepting an answer message from the called communication device to initiate  
the billing for the call upon receipt of the answer message from the called  
communication device.

19. (Previously presented) A method, comprising the steps of:  
setting a call category for a call to indicate that the call terminates at an  
announcement server component prior to connection with a called communication  
device; and

preventing an initiation of billing for the call upon receipt of an answer message  
from the announcement server component based on the call category;

wherein a calling communication device initiates the call to the called  
communication device, wherein the announcement server component comprises a  
customized ringback tone component;

wherein the step of setting the call category for the call to indicate that the call terminates at the announcement server component prior to connection with the called communication device comprises the steps of:

determining that the call meets one or more customized ringback tone criteria set by a user of the called communication device; and

setting the call category to indicate that the call terminates at the customized ringback tone component;

wherein the customized ringback tone component sends the answer message to the call control component and plays a preselected ringback tone to the calling communication device prior to answer by the called communication device;

wherein the step of preventing the initiation of billing for the call upon receipt of the answer message from the announcement server component based on the call category comprises the step of:

determining to not process the answer message to prevent billing for the call while the customized ringback tone component plays the preselected ringback tone to the calling communication device.

20. (Currently amended) An article, comprising:

one or more computer-readable signal-bearing media;

means in the one or more media for setting a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device; and

means in the one or more media for preventing an initiation of billing for the call upon receipt of an answer message from the announcement server component based on the call category;

wherein a call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component; and

wherein the means in the one or more media for preventing the initiation of billing for the call upon receipt of the answer message from the announcement server component based on the call category comprises:

means in the one or more media for checking the call category upon receipt of the answer message from the announcement server component; and

means in the one or more media for dropping the answer message if the call category is set to a value that indicates the call terminates at the announcement server component.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA  
PRIMARY EXAMINER

  
6-19-06